

Exhibit B

Dalsen, William D.

From: Dalsen, William D.
Sent: Monday, April 8, 2019 2:39 PM
To: 'Papez, Matthew E.'; Sooknanan, Sparkle L.; Dale, Margaret A.
Cc: csloane@whitecase.com
Subject: RE: ERS - Joint Informative Motion

Matt –

To your statement that “each side has various arguments in support of their respective positions” on whether the Oversight Board is required to complete its document production by April 10, I’m actually not sure what arguments Movants have to support their position on that issue. I understand you disagree, but if you could share why, that would be helpful to the extent you’re going to move to compel and claim we have “violated” an order we do not believe governs this situation.

As I said on our call, the Oversight Board was not ordered to produce documents at the April 1 hearing, but instead was ordered to meet and confer and to file a status report. *See also* Tr. 77-78. We did both, reached agreement on what the Oversight Board would search, and immediately undertook a search and review in accordance with that agreement—including for additional 4 custodians Sparkle requested beyond the 4 we offered to search. In any event, despite the shortness of time between our agreement on Thursday and the start of our review on Friday after Movants’ request for double the custodians at 4:54 p.m. Eastern on Wednesday, we completed about 50 percent of our first-level review of approximately 7,446 documents by Monday morning.

In view of that, if Movants are going to move to compel, I expect more than simply being “advised” of that fact, and instead would ask Movants to explain more about the basis for doing so. In any event, as a practical matter in view of the above, I’m at a loss to understand what you would compel the Oversight Board to do, and why, and to what end.

--Will

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From: Papez, Matthew E. <mpapez@jonesday.com>
Sent: Monday, April 8, 2019 2:02 PM
To: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>; Dalsen, William D. <wdalsen@proskauer.com>; Dale, Margaret A. <mdale@proskauer.com>
Cc: csloane@whitecase.com
Subject: RE: ERS - Joint Informative Motion

Will,

I'm writing to memorialize our call about the mutual exchange of supplemental interrogatory responses and the schedule for FOMB's document production.

With regard to the supplemental interrogatory responses, the Movants proposed that both sides exchange supplemental responses on Friday, April 12. You agreed to get back to us after you talk with AAFAF and ERS.

With regard to FOMB's document production, the Movants' position is that the Court's March 15, 2019 Scheduling Order, which largely adopted the deadlines proposed by the Debtors, requires FOMB to complete its document production by April 10. FOMB disagrees that the April 10 deadline applies to its document production in response to the Movants' subpoena. Each side has various arguments in support of their respective positions.

As we understand it, FOMB had approximately 7,500 hits for the search terms and custodians to which the parties have agreed. You have begun reviewing those hits and anticipate that a rolling document production beginning on April 14 is realistic, but FOMB will begin productions before then if it can. In addition, if FOMB can finish productions before April 14, it will do so. Movants do not agree that a document production that extends beyond April 10 would comply with the Scheduling Order.

You will keep us updated on FOMB's document production. Movants do not yet know whether they will seek the Court's involvement on this issue. If Movants decide to file a motion on this issue, we agreed to advise you of that before we file a motion.

Thanks,
Matt

Matthew E. Papez (bio)
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From: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>
Sent: Friday, April 5, 2019 5:33 PM
To: wdalsen@proskauer.com; Dale, Margaret A. <mdale@proskauer.com>
Cc: Papez, Matthew E. <mpapez@jonesday.com>; csloane@whitecase.com
Subject: RE: ERS - Joint Informative Motion

Will,

We are free at 11am on Monday.

Thanks,
Sparkle

Sparkle L. Sooknanan
Associate

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From: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>
Date: Friday, Apr 05, 2019, 3:59 PM
To: wdalsen@proskauer.com <wdalsen@proskauer.com>, Dale, Margaret A. <mdale@proskauer.com>
Cc: Papez, Matthew E. <mpapez@jonesday.com>, csloane@whitecase.com <csloane@whitecase.com>
Subject: RE: ERS - Joint Informative Motion

Thanks, Will. That works for us. I'll check with everyone on our end and let you know which of those times is better.

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From: Dalsen, William D. <wdalsen@proskauer.com>
Date: Friday, Apr 05, 2019, 3:48 PM
To: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>, Dale, Margaret A. <mdale@proskauer.com>
Cc: Papez, Matthew E. <mpapez@jonesday.com>, csloane@whitecase.com <csloane@whitecase.com>
Subject: RE: ERS - Joint Informative Motion

Sparkle –

The edit is OK with us, and we agree to discuss a production schedule on Monday. I would suggest a call either at 11am or after 1pm Eastern time. Let me know what works, and I'll circulate a dial-in to this group.

As to the Interrogatories, it is unfortunately too late in the day for me to get an answer on short notice as to Debtors. My suggestion would be to table that issue until Monday as well, when we can discuss a date for mutual exchange of supplemental interrogatory responses.

We will finalize and file the joint informative motion with your last edit.

--Will

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From: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>
Sent: Friday, April 5, 2019 3:25 PM
To: Dalsen, William D. <wdalsen@proskauer.com>; Dale, Margaret A. <mdale@proskauer.com>
Cc: Papez, Matthew E. <mpapez@jonesday.com>; csloane@whitecase.com
Subject: RE: ERS - Joint Informative Motion

Will,

I made one further edit. I deleted the sentence regarding the beginning of your document production. It is our position that, pursuant to the scheduling order, supplemental document productions and logs are to be completed by April 10. Your April 14 start date would not meet that deadline. We are willing to meet and confer on this, but I don't think it needs to be resolved in the next two hours for this filing. Can we set a time to discuss on Monday?

On the interrogatories, per my earlier email, we are fine with an April 14 deadline, provided we also receive responses to our interrogatories on the same date.

Thanks,
Sparkle

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From: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>
Sent: Friday, April 5, 2019 3:08 PM
To: wdalsen@proskauer.com; Dale, Margaret A. <mdale@proskauer.com>
Cc: Papez, Matthew E. <mpapez@jonesday.com>; csloane@whitecase.com
Subject: RE: ERS - Joint Informative Motion

Will,

We will review this now. On the interrogatories, will the debtors also provide responses to our interrogatories by April 14?

Thanks,
Sparkle

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From: Dalsen, William D. <wdalsen@proskauer.com>
Date: Friday, Apr 05, 2019, 3:01 PM
To: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>; Dale, Margaret A. <mdale@proskauer.com>

Cc: Papez, Matthew E. <mpapez@jonesday.com>, csloane@whitecase.com <csloane@whitecase.com>
Subject: RE: ERS - Joint Informative Motion

Sparkle –

Attached please find our proposed edits on top of your edits in redline. On the Interrogatories, we're OK leaving them out of the report so long as Movants will agree to provide a supplemental response by April 14.

Let us know if these edits are OK with you and about the Interrogatories, and we can finalize this for filing.

--Will

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From: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>
Sent: Friday, April 5, 2019 2:49 PM
To: Dalsen, William D. <wdalsen@proskauer.com>; Dale, Margaret A. <mdale@proskauer.com>
Cc: Papez, Matthew E. <mpapez@jonesday.com>; csloane@whitecase.com
Subject: RE: ERS - Joint Informative Motion

Will,

In light of the 5pm filing deadline, please let us know if you have any further edits to the redline I circulated earlier.

Thanks,
Sparkle

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From: Sooknanan, Sparkle L. <ssooknanan@jonesday.com>
Date: Friday, Apr 05, 2019, 11:56 AM
To: Dalsen, William D. <wdalsen@proskauer.com>, Dale, Margaret A. <mdale@proskauer.com>
Cc: Papez, Matthew E. <mpapez@jonesday.com>, csloane@whitecase.com <csloane@whitecase.com>
Subject: RE: ERS - Joint Informative Motion

Will,

Thanks very much for sending this. Attached is a redline with our edits. On the interrogatories, we are happy to discuss deadlines on both ends, but the Court's order did not ask for those to be included in the joint status report.

Let us know if you have any further edits.

Thanks,
Sparkle

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From: Dalsen, William D. <wdalsen@proskauer.com>

Sent: Friday, April 5, 2019 11:35 AM

To: Papez, Matthew E. <mpapez@jonesday.com>; Sooknanan, Sparkle L. <ssooknanan@jonesday.com>;
csloane@whitecase.com

Cc: Dale, Margaret A. <mdale@proskauer.com>

Subject: ERS - Joint Informative Motion

Matt, Sparkle, and Cheryl –

Attached please find a draft joint informative motion per Judge Dein's request. Please let us know if you have any comments, and please supply the appropriate signature blocks for your firms. I believe this is due at 5:00 p.m. today.

Thank you.

--Will

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